

Administration

Employee Responsibilities

Harassment
(Including Sexual
Harassment)**POLICY:**

- .01 The Laboratory adheres to the University of California Policy on Sexual Harassment and the associated Procedures for Responding to Reports of Sexual Harassment:
(<http://www.ucop.edu/ucophome/coordrev/policy/P121404.pdf>)
- .02 Harassment is unacceptable conduct and is prohibited. The Laboratory takes measures to prevent acts of harassment. The Laboratory takes prompt corrective and/or disciplinary action for any act that violates this policy.
- .03 Intimidating, coercing, threatening, discriminating against, or taking reprisal against a worker for complaining about harassment or for assisting with an investigation of a complaint of harassment is prohibited.

Protected Categories

- .04 The Laboratory is committed to take reasonable steps to provide a work environment free from all forms of harassment on the basis of sex or any other legally protected category. Other protected categories include race, color, national origin, religion, physical or mental disability, age, medical condition (cancer-related or genetic characteristics), ancestry, marital status, sexual orientation, or certain status as a veteran (See [AM 101](#)).

Sexual Harassment

- .05 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when
 - Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting the individual;

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The conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or

The conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

- .06 The Laboratory prohibits sexual relations between a supervisor and a subordinate, regardless of whether the relationship constitutes harassment or is consensual. For purposes of this section, a supervisor means a person who has authority to undertake or recommend tangible employment decisions affecting the subordinate, or who has the authority to direct the subordinate's daily work. The Laboratory also prohibits sexual relations between a mentor and a mentee who are participants in a formal Laboratory mentorship program.

Other Forms of Harassment

- .07 Harassment may occur in a variety of forms. The following are examples of behaviors or situations that are prohibited and that may constitute harassment:
- Offensive verbal or written statements, comments, jokes, questions, or innuendo;
 - Assault, molestation, or unwelcome physical contact such as touching, patting, pinching, brushing against, or hugging;
 - Requests, demands, or subtle pressure for sexual activity;
 - Threats or retaliation against an employee who refuses unwelcome sexual attention or behavior;
 - Overt promises or any practice that implies preferential treatment for an employee in exchange for dates, sexual attention, or sexual behavior;
 - A pattern of insult and innuendo, including lewd remarks, obscene gestures, sexually suggestive materials, or derogatory comments;
 - Any conduct that denigrates, ridicules, or is abusive to an individual because of his or her membership in a protected category, as set forth in [.04](#); or

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The display on Laboratory premises of sexually-oriented visuals or visuals which denigrate an individual because of her or his membership in a protected category, such as calendars, cartoons, photos, or posters.

COMPLAINTS OF HARASSMENT:

Where to Bring Complaints .08 Any person who believes he/she has been subjected to harassment should, if reasonable, confront the person or persons responsible for the offensive behavior and indicate to them that it is unwelcome and should be stopped.

.09 Workers who are victims of harassment or who know of harassment directed at others are strongly encouraged to promptly report the harassment. Workers are encouraged to report harassment to their HR Generalist, the Staff Relations Group (HR-SR), or the Laboratory Office of Equal Opportunity. They may also report harassment to their group- or higher-level manager. The individual receiving the complaint will in turn notify the Sexual Harassment Officer (SHO).]

The SHO is the Human Resources Division Leader and may be contacted by calling the Human Resources Division Office.

In addition, employees may file internal complaints about harassment as permitted by AM 111 (Complaint Resolution).

Informational Phone Line .10 The Ombuds Office maintains an informational phone line, which workers can use to discuss questions or concerns about harassment on an anonymous basis. This line cannot be used to report specific complaints of harassment.

NOTE: Licensed physicians and mental health care providers (Occupational Medicine Group, HSR-2) are not required to report confidential discussions with patients about incidents of harassment to the SHO.

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| Harassment Coordination Office | .11 | The SHO receives notice of all complaints of harassment at the Laboratory. The SHO processes the complaint and determines, in its sole discretion, whether and to whom to refer the complaint for investigation pursuant to paragraph .13 of this policy. All complaints will be handled promptly, and the privacy of individuals will be protected to the extent feasible. |
| Complaints by or about Non-employees | .12 | The Laboratory will take appropriate corrective action when a non-employee worker, such as a vendor, contract worker, or consultant, is the subject of harassment or is accused of harassment. A Laboratory supervisor must take appropriate corrective action to intervene in any observed harassment involving non-employees. The supervisor must also report the incident to the SHO in accordance with this policy. |
| Investigation of Complaints | .13 | It is the Laboratory's intent to provide a fair and impartial process for investigating complaints of harassment. The SHO will determine, in its sole discretion, whether an investigation is warranted and will decide who will conduct the investigation. The investigation will not be conducted by the line organization of either the complainant and/or the alleged harasser. |
| | .14 | All workers must cooperate with any investigation undertaken in response to an allegation of harassment. |
| DISCIPLINE: | .15 | Resolution of complaints may result in disciplinary or other appropriate action against individuals who participate in harassment or against workers who deliberately make false claims of harassment. Supervisors and managers who fail to take prompt and appropriate action in response to actual or alleged incidents of harassment are also subject to disciplinary action. |
| RESPONSIBILITIES OF MANAGERS AND SUPERVISORS: | .16 | Supervisors and managers have the following responsibilities: |

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Know the policy on harassment;

Do not make any statements or behave in any manner that could potentially be construed as harassment (*See .05 and .06*);

In the course of providing supervision, be alert to potential instances of harassment;

Immediately notify the Group Leader or next higher-level manager and SHO upon receipt of an allegation of harassment or upon observation of behavior, verbal exchanges, etc., that indicate harassment may be occurring or may have occurred;

Cooperate with the SHO and with any investigation of harassment;

Take immediate action to stop confirmed instances of harassment;

After a complaint of harassment has been substantiated, monitor the situation to ensure that the harassment has stopped; and

Ensure that the parties involved in a harassment situation are not retaliated against.

INFORMATION DISCLOSURE:

- .17 The Laboratory complies with all applicable laws governing the maintenance and disclosure of written records created as a result of harassment concerns or complaints. Personal information about workers is protected as required by the applicable laws and policy. The Laboratory will not voluntarily disclose the disciplinary action taken against an individual.